

Notice of Allowability

Application No.

10/550,917

Applicant(s)

LAPLANTE ET AL.

Examiner

Robert E. Fuller

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 19-32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20060525.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20060330, 20060424
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20060525.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Richard Tushin on June 5, 2006. The application has been amended as follows:

In the specification:

On page 7, line 6, "mandrel 28" has been changed to --mandrel 38--.

In the abstract:

In line 5, "means" has been changed to --a mandrel--.

In line 6, "means" has been changed to --a shear pin assembly--.

In line 7, "said" has been changed to --the--.

In line 8, "said" has been changed to --the--.

In the claims:

In claim 20, line 1, "A" has been changed to --The--.

In claim 21, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 22, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 23, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 24, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 24, line 4, "the first position" has been changed to --a first position--.

In claim 25, line 1, "A downhole tool s" has been changed to --The downhole annulus flushing valve as--.

In claim 25, line 2, "the second position" has been changed to --a second position--.

In claim 26, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 26, line 1, "the closure member is biased towards the second position" has been changed to --the one-way valve is biased towards a position in which the one-way valve is operable--.

In claim 27, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 28, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 29, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 30, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 31, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 32, line 1, "A downhole tool" has been changed to --The downhole annulus flushing valve--.

In claim 32, line 1, "claim 1" has been changed to --claim 19--.

In claim 32, line 4, "passed" has been changed to --past--.

3. The following is an examiner's statement of reasons for allowance: The closest prior art found was that of Kuhlman (US 4,615,394).

Kuhlman discloses a downhole valve having a body (80) with a longitudinal bore (90), a one-way valve (98) for allowing fluid to flow in a first direction through the bore and preventing fluid flow in a second direction through the bore, a one-way flow restrictor (120, 122) which permits substantially unrestricted flow through the body in the second direction and restricts flow through the body in the first direction; means (104) for selectively making the one-way valve operable so as to be effective at allowing fluid flow in the first direction and preventing fluid flow in the second direction. However, Kuhlman fails to disclose or suggest a means for rendering the one-way valve inoperable so as to be ineffective at preventing fluid flow, as specifically called for in the claimed combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references further teach the state of the art with regard to downhole valves having one-way check valves and one-way flow restrictors.

US 4,474,241 – Freeman

US 5,327,960 – Cornette et al.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert E. Fuller whose telephone number is 571-272-0419. The examiner can normally be reached Monday thru Friday from 8:00 AM - 5:30 PM. The examiner is normally out of the office every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/05/2006
REF


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